In forma pauperis
Petition not printed

Office - Supreme Court, U. S.
FILED
JUL 10 1941
CHARLES ELMORE CROPLEY
CLERK

IN THE

SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1941

No. 158

HAZEL FRANCES GOODALE,
Petitioner,

vs.

CHARLES S. CAMPBELL,
THE FIRST NATIONAL BANK &
TRUST COMPANY, et al.,
Respondents.

MEMORANDUM FOR RESPONDENTS

HARRY C. HOWARD,
Attorney for Respondents.
Business Address:
301-304 Kal. Nat'l Bk. Bldg.,
Kalamazoo, Michigan.

AMERICAN BRIEF AND RECORD CO., GRAND RAPIDS, MICHIGAN

IN THE

SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1941

No. 158

HAZEL FRANCES GOODALE,
Petitioner,
vs.
CHARLES S. CAMPBELL,
THE FIRST NATIONAL BANK & TRUST COMPANY, et al.,
Respondents.

MEMORANDUM FOR RESPONDENTS

STATEMENT

Petitioner seeks a Writ of Certiorari to the Court of Appeals for the Sixth Circuit to review its order entered April 7, 1941, viz.:

> "It appearing to the Court that the record in this case presents no meritorious question to be decided on appeal,
>
> "It is ordered that the application to prosecute the appeal in forma pauperis be denied."

The order was made on an appeal from a decision made January 20, 1941, by Honorable Fred M. Raymond, District Judge for the Western District of Michigan, who filed an opinion setting out the reasons for dismissing the complaint.

ARGUMENT

The respondents ask that the Writ of Certiorari be denied for the following reasons:

(1) There is no federal question involved and the case is not one arising under the Constitution, or a law or treaty of the United States.

"The existence of a federal question depends upon —

(a) An actual dispute between the parties as to the meaning of some part of the Constitution, or some law or treaty of the United States.

(b) The materiality of the construction of such constitutional matter or law to the determination of the case."

Hughes Fed. Practice, §540.
(See also the cases collected in Judge Raymond's opinion).

(2) The matter has been adjudicated.

See Collection of Cases
28 U. S. C. A. §41;
Note 401, 406, 407, 409.

Also:

Rooker v. Fid. Trust, 263 U. S. 413, 68 L. ed. 362.

The latter case is cited in the opinion of District Judge Raymond.

(3) The District Court for the Western District of Michigan is a court of origin. It may not exercise appellate jurisdiction over the final decisions of the state court.

(4) The petitioner's complaint is an attempt to reverse a final decree on the merits involving the same question and the same parties.

This Court is respectfully requested to deny petitioner's application for a Writ of Certiorari to the Court of Appeals for the Sixth Circuit.

Dated: July 1, 1941.

HARRY C. HOWARD,
Attorney for Respondents.